

Joshua H. Eggnatz (Fla. Bar No. 0067926)  
Michael J. Pascucci (Fla. Bar No. 0083397)  
EGGNATZ, LOPATIN & PASCUCCI, LLP  
5400 S. University Drive, Suite 417  
Davie, FL 33328  
Tel: (954) 889-3359  
Fax: (954) 889-5913  
[Jeggnatz@ELPLawyers.com](mailto:Jeggnatz@ELPLawyers.com)  
[Mpascucci@ELPLawyers.com](mailto:Mpascucci@ELPLawyers.com)

Attorneys for Plaintiffs Michelle Bandell,  
David Eiglarsh, Charlene Panos, Jeanette Rawls,  
Jennifer Walker and Alex Zennaro and  
the CANCELLED MEMBER CLASS

UNITED STATES DISTRICT COURT

**SOUTHERN DISTRICT OF CALIFORNIA**

DONNA ZIZIAN, Individually and on behalf of all other similarly situated California Residents.

Case No. 16-cv-00783-DMS-BGS  
Case No. 16-cv-01236-DMS-BGS

Plaintiff

V

MASSAGE ENVY FRANCHISING,  
LLC, a Delaware limited liability  
company.

**CANCELLED MEMBER CLASS  
REPRESENTATIVES' NOTICE  
OF MOTION AND MOTION FOR  
AWARD OF ATTORNEYS' FEES,  
EXPENSES, AND SERVICE  
AWARDS**

Date: January 13, 2017

Time: 1:30 p.m.

Crtrm: 13A

Judge: Hon. Dana M. Sabraw

MICHELE BANDELL, DAVID EIGLARSH, CHARLENE PANOS, JEANETTE RAWLS, JENNIFER WALKER, and ALEX ZENNARO, individually and on behalf of all others similarly situated.

## Plaintiffs,

V.

MASSAGE ENVY FRANCHISING,  
LLC, a Delaware Limited Liability  
Company,

Defendant.

1                   **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2                   **PLEASE TAKE NOTICE** that on January 13, 2017, at 1:30 p.m., in  
3 Courtroom 13A of the above-titled Court located at 333 West Broadway, San  
4 Diego, California, the Honorable Dana M. Sabraw presiding, Plaintiffs Michele  
5 Bandell (“Bandell”), David Eiglarsh (“Eiglarsh”), Charlene Panos (“Panos”),  
6 Jeannette Rawls (“Rawls”), Jennifer Walker (“Walker”), and Alex Zennaro  
7 (“Zennaro”) (collectively, “Bandell Plaintiffs”) in the matter entitled *Michelle  
8 Bandell, David Eiglarsh, Charlene Panos, Jeanette Rawls, Jennifer Walker and  
9 Alex Zennaro, individually and on behalf of all others similarly situated v.  
10 Massage Envy Franchising, LLC, a Delaware Limited Liability Company*, Case  
11 No. 3:16-cv-01236-DMS-BGS, which has been consolidated solely for purposes  
12 of settlement with Plaintiff Donna Zizian (“Zizian”) in the matter entitled *Donna  
13 Zizian, Individually and on behalf of all other similarly situated California  
14 Residents v. Massage Envy Franchising, LLC*, Case No. 3:16-cv-00783-DMS-  
15 BGS, will and hereby do move the Court, pursuant to Federal Rule of Civil  
16 Procedure 23, for an Order:

17                   a) Awarding Cancelled Member Class Counsel combined attorney fees and  
18                   litigation expenses of \$405,000.00, and  
19                   b) Approving service awards of \$1,000.00 for each of the Bandell Plaintiffs.

20                   This motion is based the parties Stipulation of Settlement filed June 6, 2016,  
21 and exhibits attached thereto (“Settlement Agreement”); this Notice of Motion and  
22 Motion; Class Representatives’ Memorandum in Support of Motion for an Award  
23 of Attorneys’ Fees, Expenses and Service Awards; and Declaration of Joshua H.  
24 Eggnatz in Support thereof; and upon such other matters as may be presented at  
25 the hearing.

26                   This motion is made on the grounds that: (1) pursuant to the Settlement  
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1 Agreement, defendant Massage Envy Franchising, LLC, has agreed not to object  
2 to a request by Cancelled Member Class Counsel for an attorneys' fees and  
3 litigation expense award that does not exceed \$405,000.00, separate and apart from  
4 the relief provided to the Cancelled Member Settlement Class, and such award will  
5 not reduce or otherwise affect the settlement relief; (2) the Settlement obtained by  
6 Cancelled Member Class Counsel confers substantial and valuable benefits to the  
7 Cancelled Member Settlement Class Members such that their fee request is  
8 reasonable and fair under the percentage of recovery analyses approved by the  
9 Ninth Circuit; (3) Cancelled Member Class Counsel's fee request is fair and  
10 reasonable under the lodestar analysis approved by the Ninth Circuit; (4)  
11 Cancelled Member Class Counsel's expenses are their actual expenses, which  
12 were reasonable and necessary, and (5) a service award of \$1,000 for each of the  
13 Cancelled Member Class Representatives is reasonable and fair for their time and  
14 effort as Class Representatives in this action.

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Respectfully submitted,

Dated: October 4, 2016 By: *s/ Joshua H. Eggnatz*  
**JOSHUA H. EGGNATZ**

MICHAEL J. PASCUCCI  
BENJAMIN M. LOPATIN  
5400 S. University Drive, Suite 417  
Davie, FL 33328  
Tel: (954) 889-3359  
Fax: (954) 889-5913  
[Jeggnatz@ELPLawyers.com](mailto:Jeggnatz@ELPLawyers.com)  
[Mpascucci@ELPLawyers.com](mailto:Mpascucci@ELPLawyers.com)

Benjamin M. Lopatin, Esq.  
California State Bar Number: 281730  
**EGGNATZ, LOPATIN & PASCUCCI, LLP**  
2201 Market Street  
San Francisco, California 94114  
Telephone: (415) 324-8620  
Facsimile: (415) 520-2262  
[BLopatin@ELPLawyers.com](mailto:BLopatin@ELPLawyers.com)

Attorneys for Plaintiffs Michele Bandell, David Eglarsh, Charlene Panos, Jeannette Rawls, Jennifer Walker, Alex Zennaro, and the proposed CANCELLED MEMBER CLASS

*Filer's Attestation: Pursuant to Section 2.f.4 of the ECF Administrative Policies and Procedures Manual for the Southern District of California, Brett M. Weaver hereby attests that concurrence in the filing of this document has been obtained.*

## PROOF OF SERVICE

I am employed in the County of Broward, Florida. I am over the age of eighteen years and am not a party to the within entitled action. My business address is 5400 S. University Drive, Suite 417, Davie, Florida 33328.

On October 4, 2016, I served a copy of the following document:

- 1) CANCELLED MEMBER CLASS REPRESENTATIVES' NOTICE OF MOTION AND MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS;
- 2) CANCELLED MEMBER CLASS REPRESENTATIVES' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARD; and
- 3) DECLARATION OF JOSHUA H. EGGNATZ IN SUPPORT OF CANCELLED MEMBER CLASS REPRESENTATIVES' MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS.

**[BY ELECTRONIC ACCESS]** I hereby certify that the foregoing documents were filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all parties on the electronic service list maintained for this case.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed on October 4, 2016, at Davie, Florida.

Dated: October 4, 2016 By: *s/ Joshua H. Egg納*  
JOSHUA H. EGGNATZ

MICHAEL J. PASCUCCI  
BENJAMIN M. LOPATIN  
5400 S. University Drive, Suite 417  
Davie, FL 33328  
Tel: (954) 889-3359  
Fax: (954) 889-5913  
[Jeggnatz@ELPLawyers.com](mailto:Jeggnatz@ELPLawyers.com)  
[Mpascucci@ELPLawyers.com](mailto:Mpascucci@ELPLawyers.com)

Benjamin M. Lopatin, Esq.  
California State Bar Number: 281730  
**EGGNATZ, LOPATIN & PASCUCCI, LLP**  
2201 Market Street  
San Francisco, California 94114  
Telephone: (415) 324-8620  
Facsimile: (415) 520-2262  
[BLopatin@ELPLawyers.com](mailto:BLopatin@ELPLawyers.com)

Attorneys for Plaintiffs Michele Bandell, David Eglarsh, Charlene Panos, Jeannette Rawls, Jennifer Walker, Alex Zennaro, and the proposed CANCELLED MEMBER CLASS